NND 57676
original box 6 - tab 1
withdrawn box 2
folder 1
tab 1

8

Part A **DECLASSIFICATION REVIEW TAB**

1TAB# 1

2Primary Reviewing Agency USAF

3Review Date: 20070806

4Declassify: ☐

5Exempt: ☐ 5(a) Reason (6)

5(b) Authority

6New Date or Event:

7Exclude: ☐ 7(a) Reason

8Other Restriction(s)

9Refer To: STATE

10Change Classification To:

STANDARD FORM 715 (8/2005)
Prescribed by NARA/ISOO 32 CFR Part 2003

DOC ID#
3191235

Part B:
1Action Agency
2Noi Dat



UNCLASSIFIED

~~CONFIDENTIAL~~

OFFICE OF THE SECRETARY OF DEFENSE

m 7/L4

Noted By The Vice Chief of Staff

26 JULY 1977

Memo For GENERAL McBRIDE

SECRETARY VANCE TODAY APPROVED OPTION ONE OF THE ATTACHED PAPER ADDRESSING ARMS TRANSFERS TO ARGENTINA, IE, DENY ONLY THOSE ITEMS RELATING TO INTERNAL SECURITY / LAW ENFORCEMENT.

THIS CONSTITUTES A MAJOR BREAKTHROUGH ON THE HUMAN RIGHTS ISSUE, RELEASING SHIPS, AIRCRAFT AND A WIDE VARIETY OF OTHER EQUIPMENT. IT IS CERTAIN TO IMPACT FAVORABLY ON THE DECISION PROCESS AS RELATES TO OTHER COUNTRIES IN LATIN AMERICA.

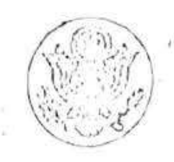
RESPECTFULLY,

COL THOMAS
X 53617

~~CONFIDENTIAL~~

UNCLASSIFIED

PA IRS 0187



DEPARTMENT OF STATE

ACTION MEMORANDUM

S/S

Col. Thomas will pickup on Monday 1375-77

CONFIDENTIAL

TO: The Secretary

THROUGH: P - Mr. Habib
T - Mrs. Benson

FROM: ARA - Terence A. Todman
D/HA - Patricia M. Derian
PM - Leslie Gelb

SUBJECT: Restriction of Arms Sales to Argentina in the Light of Human Rights Situation

ISSUES FOR DECISION

How restrictive should we be in denying pending commercial and Foreign Military Sales (FMS) under cash and financing procedures to the armed forces and police of Argentina, in light of the serious abuses of human rights in that country?

ESSENTIAL FACTORS

In Argentina, there is no question that human rights are being violated including arbitrary detention, torture and summary executions. While there have been some recent signs which may be a cause for hope, the level of violations remains high. This led us to abstain in June on two World Bank loans.

Non-Proliferation is a major interest in Argentina. As the second largest country in South America in population, area and per capita GNP, Argentina is and will remain an important political influence in the region. It has substantial uranium reserves and an ambitious nuclear power program. It has the most advanced nuclear capability of any Latin American state and the greatest potential for an autonomous fuel cycle. U.S. efforts to prevent proliferation in Brazil, and Latin America generally, depend critically on Argentina's acceptance of full-scope safeguards (which it has shown a conditional willingness to consider) and deferral of its fuel reprocessing program.



UNCLASSIFIED

Argentina is also important economically. The U.S. is Argentina's largest trading partner (we currently have a $250 million trade surplus). U.S. banks hold $3 billion of Argentina's debts and U.S. industry has some $1.2 billion invested in the country. Argentina is a major food exporter and may have in its extensive continental shelf large reserves of oil. Although the country has recently suffered severe economic troubles, it is a generally self-sufficient industrial and economic leader in Latin America.

Over 40 applications for commercial arms exports to Argentina are pending. The most urgent of these cases is a $15 million commercial order from Bell-Textron for eight armored helicopters, equipped with exterior gun mounts and wiring. Two of them are for Presidential use and the rest for Argentina's Antarctic activities. If we approve this "major" sale, routine Congressional notification is required. There are also two outstanding FMS cases (See Tab I).

The Department has been denying commercial export license applications for defense articles and services for police and other civil law enforcement use, and FMS purchase requests for articles and services which could be diverted to such use. The extension of FY 77 FMS financing is also being withheld. The conference report on the FY 78 security assistance authorization bill contains a provision prohibiting all FMS sales and financing, grant training, and licenses for the export of defense articles and services to the Government of Argentina, beginning, however, only in FY 1979.

Section 502B of the Foreign Assistance Act of 1961, expresses a policy of promoting human rights and of not providing security assistance to any country engaged in a consistent pattern of gross violations of internationally recognized human rights, except in extraordinary circumstances. It is not necessary at any time to characterize expressly the human rights practices of a recipient government. Moreover, the annual human rights report required by that section has been submitted to the Congress with respect to Argentina. Nevertheless, the Congress may at any time request from you a supplementary report on Argentina. To continue such assistance it then would be necessary for you to state your opinion that extraordinary circumstances exist so that, on all the facts, the

UNCLASSIFIED

continuation of security assistance to Argentina is in the national interest. While no such report has been requested, the potential for subsequent legal problems exists if you are unable to conclude that such circumstances (sufficient to meet the requirements for continued assistance under Section 502B (c)) now exist.

THE OPTIONS

There is general agreement that we should not sell or license the export of defense articles and services of usefulness to police and other civil law enforcement organizations in Argentina. The present issue, then, is whether to extend such restrictions to cover other sales and exports to Argentina, and if so, which.

There are three options, all of which would be subject to review dependent upon the human rights situation:

1. Continue our present policy of denying internal security sales, allowing, on a case-by-case basis, FMS sales and commercial exports for the Argentine military. No new extensions of FMS financing would be contemplated, but disbursements against prior years' financing to meet payments for previously approved purchases would continue. Under this option, some of the pending 40 cases would be approved, including helicopters, armored vehicles, periscopes and torpedoes.

2. Deny all new FMS sales and licenses for commercial exports. This would deny pending requests.

3. With the exception of spare parts for equipment previously sold, we would deny all new FMS and commercial sales.

Option 1 - Current Policy

PROS

-- Does least damage to our other interests in Argentina, particularly those involving nuclear non-proliferation.

-- Preserves a minimal tie with the Argentine armed forces - a dominant institution in Argentina - in a period of political instability.



-- Is consistent with our policy toward other countries with poor human rights' records (e.g. Korea, Iran, Philippines).

-- Provides some incentive for the Government to improve its human rights practices before the anticipated legislative embargo takes effect.

CONS

-- Will mean that weapons and other equipment will be provided to the Argentine military forces which are directly involved in human rights violations.

-- Will be opposed by a significant number of Congressmen and by other influential groups as inconsistent with the spirit of Section 502B.

-- May encourage the Argentine Government to assume the U.S. Government's policy is hortatory only and that there is no cost involved in continued repression.

Option 2 - Temporary Embargo

PROS

-- Is consistent with the spirit of 502B.

-- Sends a clear message to the Argentine government that we cannot provide arms while human rights conditions remain as they are.

-- Will probably have wide public and Congressional support.

-- Other instruments can be used to foster U.S. interest.

CONS

-- Will antagonize the Government and the armed forces and seriously damage such leverage as we have, both on the important nuclear proliferation problems and on human rights.

-- Will force Argentina to look elsewhere for arms, possibly including the USSR, thus complicating U.S. efforts to develop

regional arms transfer controls, pursuant to the new arms transfer policy.

-- Might undermine Argentine President [illegible]idela, viewed generally as a force for moderation.

Option 3 - Spares Only

PROS

-- Fulfills an implicit obligation to service previously supplied equipment.

-- Same as Option 2.

CONS

-- Similar to Option 2.

Recommendations

That you approve Option 1 which [illegible] it [illegible] of [illegible] and exports to articles and services [illegible] police and civil [illegible] enforcement uses, or which could be [illegible] such ([illegible] by ARA, PM and the Department of Defense).

Approve ____________ Disapprove ____________

ALTERNATIVELY, that you approve Option 2 to deny Argentina all FMS cash and commercial export licenses for defense articles on the Munitions List.([illegible] by [illegible]).

Approve ____________ Disapprove ____________

ALTERNATIVELY, that you approve Option 3 to restrict [illegible] to spare parts and repair parts for equipment previously sold or approved for export. (favored by S/[illegible].)

Approve ____________ Disapprove ____________

Attachment:
Tab 1 - Pending FMS cash sales and export license applications.

Drafted: ARA/ECA:[illegible]Rondon; D/[illegible]:OJones; T:[illegible]; L:[illegible]

Concurrences: PM/SAS:RTitus; P[illegible]/[illegible]:[illegible]; [illegible]:PFe[illegible]berg; [illegible]:[illegible]Cott
ARA/ECA:RWZimmerman; OSD/ISA:ColThomas

UNCLASSIFIED

CONFIDENTIAL

PENDING FMS CASH CASES AND
MUNITIONS LIST LICENSE APPLICATIONS

License Applications

7 cases for export of electronic coding and enciphering equipment and image intensifiers
1 technical assistance agreement for armored cars
20 cases for export of small orders for small arms and ammunition for Argentine military personnel and units
10 cases involving automatic weapons and small arms.
1 advisory opinion request re export of up to 35 V-150 armored cars
1 advisory opinion request re export of 2 to 6 CH-47C "Chinook" helicopters (unarmed)
1 export license application for 8 UH-1H armored helicopters with provision for attachment of machine guns
1 advisory opinion request re export of attack periscopes for submarines

Foreign Military Sales Cash Cases

4 FMS cash cases concerning MK-44 torpedoes and various kinds of ammunition, including mortar and artillery

UNCLASSIFIED

CONFIDENTIAL

~~CONFIDENTIAL~~

PENDING FMS CASH CASES AND
MUNITIONS LIST LICENSE APPLICATIONS

License Applications

7 cases for export of electronic coding and enciphering equipment and image intensifiers
1 technical assistance agreement for armored cars
20 cases for export of small orders for small arms and ammunition for Argentine military personnel and units
10 cases involving automatic weapons and small arms.
1 advisory opinion request re export of up to 35 V-150 armored cars
1 advisory opinion request re export of 2 to 6 CH-47C "Chinook" helicopters (unarmed)
1 export license application for 8 UH-1H armored helicopters with provision for attachment of machine guns
1 advisory opinion request re export of attack periscopes for submarines

Foreign Military Sales Cash Cases

4 FMS cash cases concerning MK-44 torpedoes and various kinds of ammunition, including mortar and artillery

~~CONFIDENTIAL~~